

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JUAN PEREZ,

Plaintiff,

v.

COBB COUNTY and THOMAS  
BASTIS,

Defendants.

CIVIL ACTION FILE

NO. 1:16-cv-00902-SCJ

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**JOINT MOTION AND BRIEF FOR PROTECTIVE ORDER**

All parties move the Court under Fed. R. Civ. 26(c) to enter the attached proposed protective order. The proposed order covers: all records concerning reports of alleged child abuse, all records of interviews regarding alleged child abuse, all counseling and psychological records, social security numbers, dates of birth, home addresses of parties, home and cell telephone numbers of parties, medical information, payroll information, credit information, tax returns, and other sensitive and confidential identifying information. Under O.C.G.A. § 49-5-40(b), “[e]ach and every record concerning reports of child abuse . . . which is in the custody of the [Georgia Department of Human Services] or other state or local agency is declared to be confidential.” *See generally* Fed. R. Evid. 501.

This order is necessary to protect the confidentiality and privacy of the parties and law enforcement records. All parties consent to this motion.

Respectfully submitted,

s/George M. Weaver

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**CONSENT PROTECTIVE ORDER**

This case is in discovery and the parties have acknowledged the need to protect the confidentiality of certain sensitive confidential and identifying information. Accordingly, good cause having been shown within the meaning of the Federal Rules of Civil Procedure and the parties having agreed, the Court hereby orders:

1. All of the following information produced by any party to this suit shall be treated as confidential by all parties to the litigation: all records concerning reports of alleged child abuse, all records of interviews regarding alleged child abuse, all counseling and psychological records, social security numbers, dates of birth, home addresses of parties, home and cell telephone numbers of parties, medical information, payroll information, credit information, tax returns, and

other sensitive and confidential identifying information. (“Confidential Information”).

2. Confidential Information and all copies, summaries, compilations, and notes or abstracts thereof shall be used exclusively in this action and for no other purpose. Upon completion of this action, all Confidential Information together with any copies thereof shall either be destroyed or returned to the providing counsel, at said counsel’s election. Any and all lists used to identify Confidential Information shall, upon conclusion of this action, also be maintained as strictly confidential under the terms of this paragraph, and shall be returned or destroyed under the terms of this paragraph.
3. Confidential Information may be disclosed to persons employed as independent consultants by counsel and employees of counsel who have a need to review Confidential Information to aid in the litigation of this case. Such employees of counsel shall maintain and honor the confidentiality of such information except as disclosure is necessary for handling this litigation. Disclosure of Confidential Information to persons other than counsel, the parties, and counsels’ employees shall be conditioned upon such persons agreeing to be bound by this Order and signing a statement to that effect.
4. Parties wishing any document to be filed under seal must first present a motion

and/or consent order regarding said document, and a copy of the document sought to be sealed, to the Court. Such motion or consent order should explain with particularity and citations to authority why the document should be filed under seal. The Clerk of the Court is not authorized to accept for filing any document designated as sealed without an Order from the Court approving specific documents to be filed under seal.

5. An inadvertent failure to declare or mark a document as “Confidential” does not waive the right of the party seeking protection to correct that oversight. Similarly, a party’s inadvertent failure to mark another party’s records as confidential does not give rise to any type of damages or cause of action, but the party seeking confidentiality protection may require that the oversight be corrected.
6. This Order shall govern all pretrial proceedings, but shall be subject to modification either before, during, or after trial, upon consent of the parties or by the Court. This Order shall not affect the rights of any party to use summary data or calculations based thereon. Any Confidential Information that is admitted into evidence shall not lose its confidential designation under this Order unless expressly ordered by the Court.

7. The provisions of this Order shall not affect the admissibility of evidence or any objections to same at trial or in any other proceedings in Court except as may be provided by separate Order or agreement. In addition, nothing in this order shall be construed as making any particular information or document discoverable in this action which might otherwise be objectionable.

IT IS SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2017.

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STEVE C. JONES  
United States District Judge

CONSENTED TO:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing  
JOINT MOTION AND BRIEF FOR CONSENT PROTECTIVE ORDER with  
the Clerk of Court using the CM/ECF system which will automatically send email  
notification of such filing to the following attorneys of record:

Kenneth B. Hodges III, Esq.  
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This 3<sup>rd</sup> day of August, 2017.

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